

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2843 of 1997

For Approval and Signature:

Hon'ble MS.JUSTICE R.M.DOSHIT

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

PREMILABEN R DESAI W/O

DECEAS RAVINDRASINHJI V DESAI

Versus

STATE OF GUJARAT

Appearance:

MR BIPIN I MEHTA for Petitioner

MR DA BAMBHANIA for Respondent No. 1

SERVED for Respondent No. 2

MR AKSHAY H MEHTA for Respondent No. 3

CORAM : MS.JUSTICE R.M.DOSHIT

Date of decision: 08/09/97

ORAL JUDGEMENT

With the consent of all the learned advocates, this petition is taken up for final hearing today. The learned advocates agreed that in similar set of facts, this Court [Coram:Mr.Justice C.K.Thakker] has allowed the petition being special civil application no. 13185 of

1994 decided on 13th October, 1995. The Court has upheld the claim of that petitioner for pension and have requested that similar directions be issued on this petition also.

2. It is not disputed that the petitioner's husband late Ravindrasinh Desai served under the respondent No.3 Panchayat as Octroi Clerk for some 31 years and the said service was pensionable service.

3. On the facts and in the circumstances of the case, this petition is allowed. Respondent No. 3 is directed to compute the family pension due and payable to the petitioner being the widow of late Ravindrasinh Desai within four weeks from today. The amount so calculated shall be paid to the petitioner as soon as possible. Rule is made absolute to the aforesaid extent only. There shall be no order as to costs. Registry is directed to send the writ of this order forthwith.
